

Jul 17, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RUSSELL LEE STORMY,

Plaintiff,

v.

NAPH CARE, SPOKANE COUNTY  
DETENTION FACILITY, JANE DOE  
NURSES, JANE DOE RNPS and JOHN  
DOE OFFICERS,

Defendants.

2:19-cv-00012-SAB

**ORDER DISMISSING  
COMPLAINT**

**1915(g)**

By Order filed April 18, 2019, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. ECF No. 9. Plaintiff, a pretrial detainee at the Spokane County Jail, is proceeding *pro se* and *in forma pauperis*; Defendants have not been served.

In the Order, the Court found that Plaintiff failed to state a claim upon which relief may be granted. *Id.* Although granted the opportunity to do so, Plaintiff has failed to amend his complaint to state a claim upon which relief may be granted. The Court had cautioned Plaintiff that the failure to amend or voluntarily dismiss would result in the dismissal of this complaint and a possible “strike” under 28 U.S.C. § 1915(g). He has filed nothing further, nor has he informed the Court of any change in his address.

1 For the reasons set forth above and in the Order to Amend or Voluntarily  
2 Dismiss, ECF No. 9, **IT IS ORDERED** the Complaint, ECF No. 1, is  
3 **DISMISSED with prejudice** for failure to state a claim upon which relief may be  
4 granted. 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

5 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who  
6 brings three or more civil actions or appeals which are dismissed as frivolous or for  
7 failure to state a claim will be precluded from bringing any other civil action or  
8 appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious  
9 physical injury.” 28 U.S.C. § 1915(g). Plaintiff is advised to read the statutory  
10 provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may  
11 count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may  
12 adversely affect his ability to file future claims.

13 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
14 enter judgment, provide copies to Plaintiff at his last known address, and close the  
15 file. The Clerk of Court is further directed to forward a copy of this Order to the  
16 Office of the Attorney General of Washington, Corrections Division. The Court  
17 certifies any appeal of this dismissal would not be taken in good faith.

18 **DATED** this 17th day of July 2019.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

Stanley A. Bastian  
United States District Judge